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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 2, 2002

APPLICATION OF

XSPEDIUS MANAGEMENT CO.  
OF VIRGINIA, LLC

CASE NO. PUC-2002-00122

For certificates of public  
convenience and necessity to  
provide local exchange and  
interexchange telecommunications  
services and for interim  
operating authority

ORDER FOR NOTICE AND COMMENT AND  
GRANTING INTERIM OPERATING AUTHORITY

On July 23, 2002, Xspedius Management Co. of Virginia, LLC  
("Xspedius" or "Applicant"), completed an application for  
certificates of public convenience and necessity  
("certificates") with the State Corporation Commission  
("Commission") to provide local exchange and interexchange  
telecommunications services throughout the Commonwealth of  
Virginia.<sup>1</sup> In addition, Xspedius requested the Commission grant  
it interim operating authority to serve the existing customers  
of American Communications Services of Virginia, Inc. d/b/a

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<sup>1</sup> In a joint petition filed with the Commission on June 18, 2002 (Case No. PUC-2002-00121), ACSI Local Switched Services, Inc. d/b/a e.spire, American Communications Services of Virginia, Inc. d/b/a e.spire Communications Services of Virginia, Inc., Xspedius Management Co. Switched Services, LLC, and Xspedius Management Co. of Virginia, LLC, requested authority to transfer substantially all of the assets and customers in Virginia to Xspedius.

e.spire Communications, Inc. ("e.spire"), pursuant to the tariffs currently on file with the Commission's Division of Communications and/or expedited treatment of its application.<sup>2</sup> The Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that Xspedius' application should be docketed; that the Applicant should give notice to the public of its application; that interested parties should have an opportunity to comment and request a hearing on Xspedius' application; and that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report. We will also grant Xspedius' request for interim operating authority to serve the existing customers of e.spire under the tariffs currently on file for that entity.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC-2002-00122.

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<sup>2</sup> Pursuant to a Commission Order entered on November 8, 1996, in Case No. PUC-1996-00087, the Commission granted certificates of public convenience and necessity to provide local exchange telecommunications services (Certificate No. T-366) and interexchange telecommunications services (Certificate No. TT-27A) in Virginia to American Communications Services of Virginia, Inc. d/b/a e.spire. Subsequent to entry of that Order, American Communications Services of Virginia, Inc., filed the necessary documents to do business as e.spire.

(2) Xspedius is hereby granted interim operating authority to provide local exchange and interexchange telecommunications services to the existing customers of e.spire under the tariffs currently on file for that entity.

(3) On or before August 19, 2002, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY  
XSPEDIUS MANAGEMENT CO. OF VIRGINIA, LLC,  
FOR CERTIFICATES OF PUBLIC CONVENIENCE AND  
NECESSITY TO PROVIDE LOCAL EXCHANGE AND  
INTEREXCHANGE TELECOMMUNICATIONS SERVICES  
THROUGHOUT THE COMMONWEALTH OF VIRGINIA  
AND FOR INTERIM OPERATING AUTHORITY  
CASE NO. PUC-2002-00122

On July 23, 2002, Xspedius Management Co. of Virginia, LLC ("Xspedius" or "Applicant"), filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In addition, Xspedius requested the Commission to grant it interim operating authority to provide the above-referenced telecommunications services to the existing customers of American Communications Services of Virginia, Inc. d/b/a e.spire Communications, Inc., pursuant to tariffs currently on file with the Commission's Division of Communications and/or expedited treatment of its application. In its application, the Applicant also requested authority to price its interexchange telecommunications services on a competitive

basis pursuant to § 56-481.1 of the Code of Virginia.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or can be ordered from Xspedius' counsel, Eric M. Page, Esquire, LeClair Ryan, P.C., 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060.

Any person desiring to comment on Xspedius' application for certificates to provide local exchange and interexchange telecommunications services may do so by directing such comments in writing on or before September 3, 2002, to the Clerk of the Commission at the address set out below and shall serve a copy of the same on or before September 3, 2002, upon Xspedius' counsel at the address set forth above.

Any person may request a hearing on Xspedius' application by filing an original and fifteen (15) copies of its request for hearing on or before September 3, 2002, with the Clerk of the Commission at the address set out below. Requests for hearing must state with specificity why a hearing should be conducted. Persons filing a request for hearing shall serve a copy of their request on or before September 3, 2002, upon Xspedius' counsel at the address set forth above.

All written communications to the Commission concerning Xspedius' application should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and must refer to Case No. PUC-2002-00122.

XSPEDIUS MANAGEMENT CO. OF VIRGINIA, LLC

(4) On or before August 19, 2002, Applicant shall provide a copy of the notice contained in ordering paragraph three (3) to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) Any person desiring to comment in writing on Xspedius' application for a certificate to provide local exchange and interexchange telecommunications services may do so by directing such comments on or before September 3, 2002, to the Clerk of the Commission at the address set forth below. On or before September 3, 2002, a copy of such comments shall be served on Xspedius' counsel, Eric M. Page, Esquire, LeClair Ryan, P.C., 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060. Comments must refer to Case No. PUC-2002-00122.

(6) On or before September 3, 2002, any person wishing to request a hearing on Xspedius' application for certificates to provide local exchange and interexchange telecommunications services shall file an original and fifteen (15) copies of its request for hearing in writing with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Written requests for

hearing shall refer to Case No. PUC-2002-00122 and shall state the following: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Copies shall also be served on the Applicant at the address set forth above.

(7) On or before September 9, 2002, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(8) The Commission Staff shall analyze the reasonableness of Xspedius' application and present its findings in a Staff Report to be filed on or before September 20, 2002.

(9) On or before September 27, 2002, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any response to the Staff Report or parties' objections and requests for hearing. A copy of the response shall be delivered to Staff and the other parties by overnight delivery.

(10) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Parties shall provide to the Applicant, other additional parties, and Staff any workpapers or documents used in preparation of their requests for hearing, promptly upon

request. Except as so modified, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure.

(11) The Applicant shall respond promptly to requests from interested parties for copies of the Application and shall provide one copy of same free of charge to the requesting party.

(12) This matter is continued generally.